

Attorney's Docket No. 5573-124



#3  
Sector 17  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whittle et al.  
Serial No.: 09/648,490  
Filed: August 25, 2000  
For: *FT-RAMAN SPECTROSCOPIC  
MEASUREMENT*

Group Art Unit: 1743

Date: December 11, 2000

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

SUBMITTAL OF DECLARATION  
UNDER 37 C.F.R. § 1.63

Sir:

In response to the Notice to File Missing Parts dated October 26, 2000,  
enclosed is a Declaration and Power of Attorney for the above identified application which  
has been executed by the named inventors.

A check in the amount of \$130.00 is also enclosed to cover the surcharge  
under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit  
Account No. 50-0220 .

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert J. Smith".

Robert J. Smith  
Registration No. 40,820

Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone (919) 854-1400  
Facsimile (919) 854-1401

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in an  
envelope addressed to: BOX MISSING PARTS,  
Commissioner For Patents, Washington, DC 20231, on  
December 11, 2000.

A handwritten signature in dark ink, appearing to read "Marjorie J. Pfeiffer".  
Marjorie J. Pfeiffer  
Date of Signature: December 11, 2000

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/648,490	08/25/2000	Robert R. Whittle	5573-124

20792  
MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627



## FORMALITIES LETTER



\*OC000000005507760\*

Date Mailed: 10/26/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

12/19/2000 SDENBOB1 00000011 09648490

- The balance due by applicant is \$ 130.

01 FC:105

130.00 DP

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **3A, 3B, 3C, 3D** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

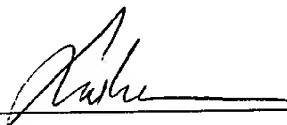
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of

the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE